

Notice of Allowability

Application No.

10/603,008

Examiner

Keshia Gibson

Applicant(s)

NAKAJIMA ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/27/06.
2. ☒ The allowed claim(s) is/are 1-3 and 5-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20060511</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Gzybowski on 5/10/06.

The application is to be amended as follows:

Please cancel Claim 4.

In Claim 5, —claim 4—has been deleted and "claim 1" has been inserted.

Please cancel claim 1 and rewrite as follows:

--- Claim 1. An open-type disposable wearing article comprising:

an elastically stretchable front waist region;

an elastically stretchable rear waist region;

an elastically stretchable crotch region extending between said front waist region and said rear waist region and, said front and rear waist regions being connectable with each other in opposite lateral zones thereof;

a first stretchable zone bifurcated at a transverse middle of said crotch region so as to extend in two laterally separated portions to said opposite lateral zones of said front waist region, said first stretchable zone having a substantially uniform tensile stress;

Art Unit: 3761

a second stretchable zone bifurcated at said transverse middle of said crotch region so as to extend in two laterally separated portions to said opposite lateral zones of said rear waist region, said second stretchable zone having a substantially uniform tensile stress; and

third stretchable zones defined by zones other than said first and second stretchable zones, including extending between the two laterally separated portions of each of the first stretchable zone and the second stretchable zone and along lateral side portions of at least the crotch region, a tensile stress of said first and second stretchable zones being higher than a tensile stress of said third stretchable zones;

first engageable means for connecting said front and rear waist regions with each other, said first engageable means being provided in said second stretchable zone in said opposite lateral zones of said rear waist region; and

first receiving means releasably engageable with said first engageable means, said first receiving means being provided in said first stretchable zone in said opposite lateral zones; and

second engageable means for connecting said front and rear waist regions to one another are provided in said third stretchable zones lying in said opposite lateral zones of said rear waist region and second receiving means for releasably engaging said second engageable means are provided in said third stretchable zones lying in said opposite lateral zones of said front waist region. ---

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

A search of the prior art of record failed to disclose any references, which taken alone or in combination, teach or fairly suggest an absorbent article having bifurcated stretchable zones and further comprising two sets of fasteners connecting the front and rear waist regions, wherein each set of fasteners lie in different stretchable zones from each other. Although motivation to provide the cited prior art with a second pair of fasteners may be found, adequate and proper motivation to place the second set of fasteners in a specific location in relation to the first set of fastener, and more specifically, to arrange the fasteners so as to ensure that each set would lie in a different stretchable than the other, could not be found.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keshia Gibson whose telephone number is (571) 272-7136. The examiner can normally be reached on M-F 8:30 a.m. - 6 p.m., out every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone

Art Unit: 3761

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keshia Gibson
Examiner
Art Unit 3761

klg 5/11/06

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

